

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:21-CV-379-D

CHARLES W. MITCHELL,
and ROBERT H. MITCHELL,

Plaintiffs,

v.

GRAINCOMM, II, LLC, et al.,

Defendants.

ORDER

The court has reviewed plaintiffs' complaint and defendant Graincomm II, LLC's motion to dismiss under the governing standard. See Fed. R. Civ. P. 12(b)(6); Ashcroft v. Iqbal, 556 U.S. 662, 677–78 (2009); Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555–63, 570 (2007); Coleman v. Md. Court of Appeals, 626 F.3d 187, 190 (4th Cir. 2010), aff'd, 566 U.S. 30 (2012); Nemet Chevrolet, Ltd. v. Consumeraffairs.com, Inc., 591 F.3d 250, 255 (4th Cir. 2009); Giarratano v. Johnson, 521 F.3d 298, 302 (4th Cir. 2008). The court DENIES defendant's motion to dismiss [D.E. 28]. Whether plaintiffs will survive a motion for summary judgment is an issue for another day.

SO ORDERED. This 8 day of December, 2021.


JAMES C. DEVER III
United States District Judge